

IN THE UNITED STATES DISTRICT COURT
IN THE DISTRICT OF KANSAS

MATTHEW ESCALANTE
Plaintiff

Case No. 2:23-CV02491

vs.
JANELLE ESCALANTE
CHRISTOPHER T. WILSON
LEWANNA BELL LLOYD
Defendants

**MOTION FOR RELIEF OF JUDGEMENT PURSUANT FRCP
RULE 60b(2) GUARDIAN AD LITEM IN CLEAR ABSENCE
OF ALL JURISDICTION**

Comes now, Plaintiff Matthew Escalante, by and through his own counsel respectfully shows this Court the Following Facts Pursuant to Federal Rule of Civil Procedure 60(b)(1) respectfully moves this Court for Relief from the Judgement/Order of Doc 50, filed by Honorable John W. Broomes on January 31st 2024. Federal Rules of Procedure Rule 60b(2) Grounds for Relief from a Final Judgment, Order or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence; (3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party. The Plaintiff shows unto the court the following disturbing facts constituting grounds to protect not only the Escalante minor children, but also all the Children under the Guardiab Bell-Lloyds purview.

Facts discovered:

1. The Purported Guardian is discovered in the last week of February, as not having ever entered an Appearance in the Escalante vs Escalante Johnson County Civil Proceedings 18-CV03813. It is fact found in Exhibit 1, of case record this entry: 3.8.22: **Removed Plaintiff Attorney Bell Lloyd**
 - a. The purported Guardian of minor child S.J.E, and S.G.E, has never entered an entry of Appearance into the county custody case after 3.8.22. And the Guardian has already confirmed by her federal submissions that she has taken actions in case 18-CV03813 after 03.08.22. Every action after March 8, 2022 has been in 'clear absence of all jurisdiction' as the Defendant Bell Lloyd was no longer the children's attorney. 730 Days without jurisdiction
 - b. The attached Exhibit 2, is the Civil Rules of the 10th District Court in Johnson County. The Civil Rule 21 over the Defendant Lewanna Bell Lloyd, states **The Participation of Guardian Ad Litem. The guardian ad litem shall enter his or her appearance.**

- c. Any reasonable person can review the Guardians removal as Attorney in the county on March 8, 2022, and then also see that Defendant Bell Lloyd never Re-entered this county proceeding in which she then has held Zero Jurisdiction. Constituting "Clear absence of all jurisdiction of every action and decision that she has made in the parties county custody case 18-CV3813.
- d. The Defendant has entered documents into this case to dismiss alleging her perception of merit held calling for dismissal of 2:23-CV02491.
- e. Doc 50, MEMORANDUM and ORDER that dismissed this case on January 31, 2024 was reliant of Section D, where the Guardian had misled the Honorable John Broomes as if she was covered by quasi-immunity.
- f. The Guardian is Affirmed in Case Record Exhibit 1, that she has been in 'clear absence of all jurisdiction' inside the Escalante county proceedings since March 8, 2022 at the minimum.
- g. Doc 50, makes mentions that Plaintiff lacks facts on a few statements. Plaintiff does not take offense. But this Fact is now discovered, two exhibits 1 and 2, verify without a doubt that the Guardian has no jurisdiction in the County Proceedings of Escalante vs Escalante. And that is not only a problem for the Escalante minor children but that's a potential state-wide problem as Guardian is perceived under Kansas Bar License to hold jurisdiction over hundreds of minor children. Facts.
- f. A C.A.S.A advocate was deeply concerned when the Plaintiff contacted the agency, as he knew nowhere else to go. After a Brief Conversation, CASA advised they would talk with the Kansas Bar, but they strongly advised this path that the Plaintiff mentioned would be available of Rule 60b in the federal court case of Escalante vs Escalante/Wilson/Bell Lloyd. As this matter that the Plaintiff still re-affirms and re-alleges just continues to grow bigger, and at the heart of fathers claims, are two minor children who highly likely to be receiving a discourse from negligent actions by these 'professionals' in the Escalante case who are supposed to be advocating for best interest. And now the purported children's attorney is seen affirmed as having no authorization to even be in the county case prior. Please understand this a pressing matter now being viewed by many state advocacy groups. And purely for the protection of children in the 10th district under Bell-Lloyds purported purview.

- g. All the Defendants, and attorneys have reviewed this case thoroughly, and that information of Exhibit 1 and 2, was withheld by them from the federal judiciary in this Case of 2:23-CV02491.
- h. There has been a monumental mis-representation of the childrens attorney in this case by the Defendants. And that then qualifies for relief of the Judgement/Order that was built off the Guardians claims of quasi-immunity granting protection for her from civil liability.
- i. The exhibit 1, also challenges the Doc 50, in that Younger and Rooker doctrines deem the federal court cannot hold jurisdiction. However, the Constitution Article III Section 1.6.4 State Court Jurisdiction to Enforce Federal Law states the court of Johnson County Kansas has a duty to hear federal matters as suggested by Honorable John Broomes in this dismissal. But exhibit 1, is unable to be denied respectfully, by a Fair and Impartial Kansas federal court that it is not seen that Johnson County State has 100% Declined and Denied their duty to hear the claims from this Lawsuit in their court. And the grounds that Johnson County has stated are not acceptable grounds to use according to many different circuit court rulings of of such refusal and denial that is occurring in the county court. Example Douglas v New York N.H. & H.R. Co. the court held that declined state court jurisdiction was valid only because the parties lived and resided 'Out of State". And this is same for other cases. And its factual that what is seen in 18CV03813, is not a valid ground to deny all docketing, in that Doc 50 can't apply to parties as State court has non-legitimate grounds showing of Due Process elimination for the the Plaintiff, from the Judge PWB who was suspended of the case Nov 16, 2023. The Plaintiff shows the docket 18CV03813 shows the case is reliant on a 'Custodian' Livingston Counseling LLC, who is no longer part of proceeding. And the next court level to appeal the Order Doc 307, is not optional but should be under Due Process but exhibit 1 shows the State Court is verifying that they will not even receive a Notice of Appeal so that he jump to court of appeals and restore due process that should not even be absent.

WHEREFORE plaintiff begs and prays for a Fair and Just review, and this High Court offer the Relief from Judgement/Order of Doc 50 signed into this case to cause dismissal based upon only the facts showing that the Defendant Guardian ad Litem is with clear absence of all jurisdiction for now 703 days to date, and state court showing affirmative in docket mentions of their unjustified refusal to hear federal matters.

Plaintiff at no time means any disrespect to this judiciary

but please the conditions in which district court

johnson county have been altered by defendants

negligence now affecting protected civil right.

Respectfully Sent,



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CERTIFICATE OF SERVICE

I hereby certify that the Motion For Relief of Judgement Pursuant Rule 60b was filed
by the electronic CM/ECF system in which a copy was sent to all parties in proceedings on March 7, 2024